

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PASAFESHARE LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 6:20-cv-00397-ADA

**DECLARATION OF JESSICA J. DELACENSERIE IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

I, Jessica J. Delacenserie, declare as follows:

1. I am an attorney with Perkins Coie LLP, counsel for Defendant Microsoft Corporation (“Microsoft”) in this action. I am submitting this declaration in support of Microsoft’s Motion for Summary Judgment of Non-Infringement. I make this declaration of my personal knowledge unless otherwise indicated.

2. Attached hereto as **Exhibit 1** (HIGHLIGHTED) is a copy of an email sent by Robby Earle to counsel for the parties in this case on February 16, 2021, regarding the Court’s preliminary claim constructions.

3. Attached hereto as **Exhibit 2** (FILED UNDER SEAL) (HIGHLIGHTED) is a copy of the Opening Expert Report of Dr. Samuel Russ regarding Infringement of U.S. Patent Nos. 9,455,961; 9,615,116; and 10,095,848, dated March 18, 2024.

4. Attached hereto as **Exhibit 3** (FILED UNDER SEAL) (HIGHLIGHTED) are excerpts from the transcript of the May 22, 2024, deposition of Samuel Russ

5. Attached hereto as **Exhibit 4** (HIGHLIGHTED) are excerpts from the Computer Dictionary (Fifth Edition) published by Microsoft Press that were produced with bates numbers MSFT_PASS_0292642 – MSFT_PASS_0292645.

6. Attached hereto as **Exhibit 5** (HIGHLIGHTED) are excerpts from the Dictionary of Computing (Eighth Edition) published by IBM Corporation that were produced with bates numbers MSFT_PASS_0292091, MSFT_PASS_0292092, MSFT_PASS_0292094, and MSFT_PASS_0292095.

7. Attached hereto as **Exhibit 6** (FILED UNDER SEAL) (HIGHLIGHTED) is a copy of the Rebuttal Expert Report of William R. Rosenblatt Regarding Non-Infringement of the Asserted Patents, dated April 23, 2024.

8. Attached hereto as **Exhibit 7** (HIGHLIGHTED) is a copy of the webpage <https://history-computer.com/complete-history-of-the-extensible-markup-language/> that was produced with bates numbers paSS_033500 – paSS_033505.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

DATED this 4th day of June, 2024 in Seattle, Washington.

/s/ Jessica J. Delacenserie

Jessica J. Delacenserie

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 4, 2024, to all counsel of record for Plaintiff via ECF.

/s/ Sarah E. Piepmeier

Sarah E. Piepmeier